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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,573

03/18/2004

Roy Victor Bladen

ENGDI21757

7077

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11/30/2006

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EXAMINER .

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,573

Applicant(s)

BLADEN, ROY VICTOR

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 9, 18, 26 and 32-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 19-25 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Election of Species and Restriction*

Claims 9, 18, 26, and 32-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 13, 2006.

### *Drawings*

The drawings were received on September 18, 2006. These drawings are accepted; however, the drawings still contain discrepancies.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cooperatively shaped alignment device 12 disposed on the building element 30 (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicants make reference to the alignment mechanism in the arguments. However,

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the examiner is not objecting the drawings based on the showing of the alignment mechanism alone but rather the alignment device is not shown disposed on the building element 30. According to the drawings, the alignment device, i.e. the locating pin 12, is only shown disposed on the mounting member (unreferenced containing surface 13; See Figures 2 and 3)

The drawings are objected to because the reference characters "31" in Figure 1 are misleading since it appears to point to the inner surface of the building element, which conflicts with the description of u-shaped screw pipes "31" on page 34, line 21. Further, the drawings do not show "u-shaped screw pipes". The examiner does not see pipes or anything being u-shaped as described on page 34, line 21.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both a building element having threaded openings for fasteners 21 at the bottom (Figures 1-3) and a building element without threaded opening for fasteners at the bottom (Figure 6). Further, the drawings fail to include a reference character to show the mounting member.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "in an environment of the type having a building element and a mounting member" recited in claim 1, lines 1-2, "a mounting member" recited in claims 1 and 20, line 2, "a first conduit", "a second conduit", "the first conduit being disposed within a portion of the building element" recited in claim 1, lines 13-14, and claim 20, lines 15-16, and "the second conduit being disposed on a side of the mounting member opposite the first or second locking member" recited in claim 1, lines 14-15, and claim 20, lines 15-16.

### ***Claim Objections***

Claims 1 and 20 are objected to because of the following informalities:

regarding claims 1 and 20, "of the type" in line 1 needs to be deleted. Further, the examiner has acknowledged that the claims are directed to the combination as remarked by the applicant; however, the preamble does not indicate such. The examiner suggests amending the preamble as "A quick connect assembly in combination with a building element and a mounting element" or merely recite a building element and a mounting element as part of the quick assembly with new indents; and,

regarding claim 1, "one of" in line 5 should be deleted since "or" also indicated the alternative and thus not required. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 102***

Claims 1-3, 5-7, 10-13, 20, 22, 24, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowles, 2,265,267.

Regarding claim 1, Cowles discloses, in Figure 2, a quick connect assembly comprising a building element **24**, a mounting member **1**, a first locking member **23**, a

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second locking member **5**, a first conduit **20**, and as second conduit **4**. The first locking member **23** has a first passageway **21** extending through the first locking member **23**. The second locking member **5** has a second passageway **15** extending through the second locking member **5**. The first locking member **23** and the second locking member **5** have co-operative cam locking elements **26,16**. The first conduit **20** and the second conduit **4** are in fluid communication. The first conduit **20** is disposed within a portion of the building element **24** and the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**.

Regarding claim 2, the first locking member **2** and the second locking member **8** are adapted to reversibly couple to one another through a bayonet action.

Regarding claim 3, applicant should note that the first passageway and the second passageway are substantially aligned with one another when the first locking member and the second locking member are reversibly coupled to one another.

Regarding claim 5, the first locking member **23** has an annular shaped body (see marked-up attachment) disposed about the first passageway **21**.

Regarding claim 6, the co-operative cam locking member elements include a protrusion **26** extending from the annular shaped body and a cooperatively shaped structure **16** disposed on the second locking member **5**. Applicant should note that the

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protrusion and the cooperatively shaped structure **16** are able to engage with one another to reversibly couple the first locking member and the second locking member.

Regarding claim 7, at least a portion of the second locking member may be positioned within the first passageway of the first locking member. It merely requires the first locking member and the building element be respectively reversed with the second locking member, and the mounting element.

Regarding claim 10, the second locking member **5** includes an alignment mechanism (the female threads) interfacing with a cooperatively shaped alignment device (the male threads) disposed on the mounting member such that the second locking member can be adapted to be coupled in a selected orientation relative to the building element or the mounting member **1**.

Regarding claim 11, the first locking member **23** and the second locking member **5** are rotated less than 360 degrees during the reversible coupling of the locking members. Applicant is reminded that it is the patentability of the product, not the recited process step, that is to be determined irrespective of whether only process steps are recited. See MPEP 2113.

Regarding claim 12, the cooperative cam locking elements **26,16** include a cam disposed on the first locking member **23** and the second locking member **5**. Applicant



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should note that when the locking members **23,5** are reversibly coupled to one another, the cam of the first locking member **23** is sandwiched between the cam **16** of the second locking member **5** and the building element **24** or mounting member **5**.

Regarding claim 19, the first passageway, the second passageway, and at least one of the locking members are hidden from view from a user viewing an exterior surface of the building element when the locking members are reversibly coupled to one another.

Regarding claim 20, Cowles discloses, in Figure 3 and 5-7, a quick connect assembly comprising a building element **24**, a mounting member **1**, an interference member **23**, a receiving member **5**, a first conduit **20**, and a second conduit **4**. Services are permitted to pass between the mounting member **1** and the building element **24**. The interference member **23** is coupled to the building element **24**. The receiving member **5** is coupled to the mounting member **1**. The interference member **23** has a protrusion **26**. The receiving member **5** has an engagement member **16**. The first conduit **20** and the second conduit **4** are in fluid communication. The first conduit **20** is disposed within a portion of the building element **24** and the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**.

Regarding claim 22, the interference member **23** has an annular shaped body forming an open inner portion **21**.

Regarding claim 24, the receiving member **5** may be at least partially positioned within the open inner portion. Note that this is possible if the interference member is reversed with the receiving member, or the first locking member is reversed with the second locking member.

Regarding claim 27, the receiving member **5** includes an alignment mechanism (the female threads) interfacing with a cooperatively shaped alignment device (the male threads) disposed on the mounting member **1** such that the interference **23** member can be adapted is oriented in a selected orientation relative to the building element or the mounting member **1**.

Regarding claim 28, a predetermined angular displacement is less than 360 degrees.

Regarding claim 29, the receiving member **5** includes a passageway **21**.

Regarding claim 30, when the interference member **23** is in a locked position, the protrusion **26** is sandwiched between the engagement member and the building element **24**.

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Regarding claim 31, the receiving member **5** is transitioned between a first position and a locked position by a bayonet action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 13, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowles, 2,265,267.

Regarding claim 8, Cowles discloses the co-operative cam locking elements include a protrusion **26** disposed on the first locking member **23** and a cooperatively shaped structure **16** disposed on the second locking member **5**. The cooperatively shaped structure overlaps the protrusion. However, the protrusion is not disposed on the second locking member **23**, nor does the shaped structure **16** is disposed on the first locking member **5**. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made

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to place the protrusion on the second locking member and place the shaped structure on the first locking member instead. In re Einstein, 8 USPQ 167.

Regarding claim 13, Cowles, as discussed, discloses the first conduit **20** and the second conduit **4** cooperatively define plumbing. The plumbing extends from the mounting member and the building element and passes through the first passageway and the second passageway. However, Cowles fails to disclose the plumbing extending from below the mounting member and including a first fitting and a second. In regards to the orientation, it would have been obvious to one of ordinary skilled in the art to orient the quick connect assembly so that fluid flows from top to bottom in an application instead of left to right or vice versa. With respect to the fitting, it would have obvious to use a first fitting and a second fitting connected to the assembly for transferring fluid since the conduit allow for such fitting to be connected (not shown). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a first fitting and a second fitting connected to the assembly for transferring fluid.

Regarding claim 23, Cowles, as discussed, fails to include the protrusion extending inward from the annular shaped body into the open inner portion. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the protrusion on the second

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locking member and place the shaped structure on the first locking member instead so the protrusion extends inward from the annular shaped body into the open inner portion.

In re Einstein, 8 USPQ 167.

Regarding claim 25, Cowles, as discussed, discloses the protrusion and the engagement member overlap one another. However, Cowles fails to disclose the engagement member extending outward from the receiving member. Instead, the engagement member extends inward from the receiving member. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the protrusion on the second locking member and place the shaped structure on the first locking member instead so the engagement member extends outward from the receiving member. In re Einstein, 8 USPQ 167. Given such modification, the protrusion and the engagement member will still overlap when the receiving member is at least partially received with the open inner portion of the interference member and the interference member is in the locked position.

Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowles, 2,265,267, in view of Smith, III, 6,173,742.

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Regarding claim 4 and 21, Cowles, as discussed, fails to disclose the first locking member or the interference member 23 includes a recess. Smith teaches, in Figure 2, a first locking member or an interference member 20 including a recess 108 to provide a fluid seal between the interference member or the first locking member 20 and a conduit 10. Therefore, as taught by Smith, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a recess in the first locking member or the interference member 20 of Cowles to provide as a seal between the conduit 20 in Cowles and the first locking member or the interference member 20.

***Allowable Subject Matter***

Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 14, the prior art of record does not disclose or suggest a quick connect assembly, in combination with a building element and a mounting member, comprising a first fitting coupled to plumbing disposed below the mounting member and a second fitting coupled to the plumbing disposed within the building element. The closest prior art, Cowles, 2,265,267, does not require a second fitting coupled to

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plumbing disposed within a building element since the second fitting is taught to be coupled outside the building element instead; and,

regarding claims 15-17, these claims depend from claim 14.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8, 11-13, 19-25, and 27-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the new limitation "In an environment of the type having a building element and a mounting member" in claim 1, lines 1-2, "interconnecting the building element and the mounting member" in claim 1, lines 2-3, and "a first conduit and a second conduit in fluid communication, ... second locking member" in claim 1, lines 13-15, necessitated the new grounds of rejections. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EP.

E.G.

November 27, 2006



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